

**MINUTES OF THE OCTOBER 13, 2004, MEETING OF THE
EASTERN SNAKE PLAIN AQUIFER WORKING GROUP
EXPANDED NATURAL RESOURCES INTERIM COMMITTEE
9:30 a.m. Burley Inn, Burley Idaho**

The meeting was called to order at 9:30 a.m. by Co-Chairman, Senator Laird Noh. The following working group members were present: Senator Don Burtenshaw, Senator Stanley Williams, Senator Dean Cameron, Co-Chairman Representative Dell Raybould, Representative JoAn Wood, Representative Jack Barraclough, Representative Tim Ridinger, and Representative Wendy Jaquet. Other committee members present were: Representative Scott Bedke. Senator Brent Hill, Senator Clint Stennett, Senator Bert Marley, and Representative Maxine Bell were absent and excused. Speaker Bruce Newcomb was also in attendance.

Additional parties in attendance are set forth in sign up sheets maintained in the records of Legislative Services, marked as Attachment "A" of these minutes.

Following opening remarks of the co-chair, Senator Cameron moved, and Senator Burtenshaw seconded, that the minutes of the June 24, 2004, and August 2, 2004, meetings of the working group be approved. The minutes of both meetings were approved by unanimous vote.

The first speaker to address the committee was Donna Cosgrove, from the University of Idaho, Idaho Falls. Ms. Cosgrove provided a review of the ESPA model results to date.

Ms. Cosgrove provided the working group with a power point presentation as well as a report entitled *SNAKE RIVER PLAIN AQUIFER MODEL SCENARIO: HYDROLOGIC EFFECTS OF CURTAILMENT OF GROUND WATER PUMPING "CURTAILMENT SCENARIO"* dated October, 2004. The Report was written by B.A. Contor, D.M. Cosgrove, N. Rinehart, A. Wylie and G.S. Johnson, all of the Idaho Water Resources Research Institute, University of Idaho for the Idaho Department of Water Resources with guidance from the Eastern Snake Hydrologic Modeling Committee. A copy of the power point presentation and report are available in the offices of Legislative Services.

Ms. Cosgrove explained that in performing the model runs, they evaluated the benefit of curtailing ground water pumping, curtailing by priority date, and evaluating for five cutoff dates. The runs show that the benefit depends on the location of the river reach, that benefits are highly dependent on the location of curtailed acres, and that it takes a long time for a benefit to accrue. The runs also showed that ground water pumping accounts for approximately 50% of decline in the Thousand Springs area and that the balance of declines are due to changes in surface water

practices and drought.

In regard to the Snake Plain Model Re-cap, Ms. Cosgrove noted that scenarios are model runs intended to answer questions such as what will happen if water supply changes and what will happen if recharge is done. They evaluate impacts to river gains and spring discharges due to some specified change in practice.

The curtailment scenario is designed to answer the question: “If ground water pumping junior to a specified priority date were to be curtailed, what would be the effect on the aquifer, the springs and the Snake River?” Scenario objectives were to determine the magnitude of expected increase over time in spring discharge and river reach gains which would be realized if ground water rights junior to a specified date were curtailed, to determine the seasonal magnitude of the expected increases and to determine the predicted impacts to the aquifer water levels after curtailment of ground water pumping.

Ms. Cosgrove provided a caveat that the curtailment scenario is just one of the many scenarios to be evaluated. Together, these scenarios give us a broad picture of water use and impacts on the eastern Snake River Plain. Any one scenario is only a piece of this larger picture. The curtailment scenario predicts impacts, no statement of injury is made or implied.

When they ran the curtailment scenario, curtailment was assessed by looking at ground water pumping in isolation of all other recharge/discharge. They estimated consumptive use of ground water pumping by priority cutoff dates. They ran the model with this consumptive use represented.

Ms. Cosgrove noted that the dates that were used for the model runs were 1870, 1949, 1961, 1973 and 1985.

In commenting on the results of the model runs, Ms. Cosgrove said that there was an unexpected distribution of impacts to the river. In the Thousand Springs area, positive impacts were more prominent in the eastern half. The unexpected distribution was due to the distribution of curtailed areas. She also noted that it is difficult to target specific springs via curtailment. The effects of curtailment would take a long time to accrue; twenty to thirty years to reach ninety percent steady state. Due to the progression of development of ground-water, relatively old rights would have to be curtailed to get a lot of results.

Ms. Cosgrove also talked about the issue of seasonality. Ground water pumping is dominant during the growing season. The seasonal nature of pumping means that there will be a seasonal nature of the benefits of curtailment. The benefit will typically rise during the summer and drop during the winter and will depend on how close the curtailed area is to the river reach. We may not get the maximum benefit at the time we most need it. She went on to point out that the runs show that if we curtail for one year, there will be benefit into the future. By the same token, even if we curtail, we will still have residual effects of pumping from prior years.

Ms Cosgrove next addressed the predicted impacts to ground water levels. If we cease ground water pumping, we would expect aquifer levels to recover. How much they recover will depend on the location within the aquifer, the proximity to stabilizing the river reach and the proximity to curtailed areas. The examples given were for the curtailment of all ground water pumping.

In terms of the analysis relative to total depletions in the Thousand Springs Area, she began by commenting that Kjelstrom estimated 6800 cfs at the maximum with the current average being around 5500 cfs, therefore a 1300 cfs depletion. The curtailment scenario predicts accrual to Thousand Springs of 641 cfs. This is approximately 50 percent of diminished spring flows in Thousand Springs. The other 50 percent is partially due to changes in surface water practices (conversion to sprinkler, reduced diversions, enlargements of irrigated areas), and partially due to drought.

The Upper Snake Basin Study, which was the study performed by IDWR for the original ground water model, the “no ground water” scenario predicted 620 cfs accrual in the Thousand Springs area. The results of the two studies are very comparable.

In summary, Ms. Cosgrove noted that curtailment of ground water pumping would increase river gains and spring discharges. Accruals would take a long time to build up and would be distributed based on where the curtailed areas are located. Accruals due to curtailment would have a seasonal nature and would not be useful for targeting specific springs. Ground water pumping is just one of the elements impacting spring flows. Curtailment can only provide part of the solution.

A question and answer period followed.

Dr. Charles Brockway, Brockway Engineering, addressed the Working Group next. He told the group that he believes the model is well documented and that the Institute is doing a great job with the model. He continued that there is encouraging information coming out of the model. Dr. Brockway went on to recall that he had predicted the difference between results from the old model and the new model would be less than ten percent and that has now been shown to be true. He also said that he believes it is important for us to use the model wisely and recognize the importance of the location of ground water development and curtailment on the response of the springs. The closer to the river, the faster the response. He also pointed out that although it may take a long time to get 90 percent response, you can see the Thousand Springs area starting to get a response in five to seven years. This shows us the utility of the model to answer the questions with a degree of confidence. However, the model should not be used to predict impacts on specific springs.

Dr. Brockway noted that there are other scenarios that could be explored including conversion to sprinkler scenario, and what happens if we continue to convert, a continued drought scenario and a recharge scenario.

Director Karl Dreher, Idaho Department of Water Resources, cautioned the working group to be careful with interpreting the 50 percent recovery. That amount is calculated based specifically on the 6800 cfs and 5500 cfs figures. Last year, the average discharge was only 5200 cfs. Therefore, if the average were 5000 cfs, the decline is 1800 and the percent of the recovery is possibly much less than 50 percent, possibly only one-third. The recovery amount hinges on the lower discharge number that is used. Director Dreher reiterated that what could be recovered may well be less than 50 percent.

Director Dreher also stressed that the group should make sure that any information they hear from outside sources relating to the strawman proposal is actually reflected in the terms of the proposal. There has been some misinformation circulating and it is important that they look at the actual proposed terms.

The Working Group then opened the floor to discussion relating to the framework proposal.

Ms. Linda Lemmon, Thousand Springs Water Users Association, addressed the group. She commended the group for their efforts. She noted that one thing they believe to be an underlying principle is to bring supply in line with demand. They believe that is an important principle and would like to emphasize that point. They also need to have an idea of how long they will have to wait for actual water and also mitigation. She summarized that the three critical points to them are recovery, mitigation and restoration. She inquired when a recharge scenario would be ready and Ms. Cosgrove responded that they hope to have a draft report in several weeks. Ms. Lemmon commented that it would be an important piece of the negotiation and Ms. Cosgrove added that the conversion scenario would be important as well. Ms. Lemmon also noted that measurements on irrigation return flow are also important.

Mr. Mike Faulkner of the North Snake Ground Water District addressed the group next. Their group has concerns about money, possible curtailment sites and speculators buying water from high lift pumpers.

Tim Deeg of the Aberdeen-American Falls Ground Water District said his group would provide comments at a later time.

John Rosholt, representing the Twin Falls and North Side Canal Companies, told the group that they are in the process of evaluating the proposal carefully and will provide comments by next week.

Mr. Larry Cope, Clear Springs Foods, noted that they see the proposal as an initial start. They will have a more detailed response forthcoming. He noted that the proposal does create more questions and they are anxious to see what the proposal would really bring them in terms of water. They want to know what can occur and when. The position of the company was reflected in their early presentations to the group. Their expectations are the same. They expect to see

something in the next season that brings them water and restores water. They will measure progress based on results and to them, that means water. Certainty is another very important aspect to them.

J.D. May, representing Rangen, Inc., noted that they appreciate the efforts of the group. They do have general comments relating to the proposal that are similar to those presented by Linda Lemmon. He suggested that there are points that could be better discussed in a smaller setting and he wondered if that approach could be considered. Senator Noh noted that others have also expressed that concern.

Sen. Noh went on to say that there are other parties with important water rights that are not parties to the agreement. He noted that one such entity is the Hagerman National Fish Hatchery. Bryan Kenworthy, director of the hatchery, expressed concerns over uncertainty. He noted that they will be reviewing the proposal and offering comments. They have concerns meeting fish propagation which is tied to federal funding. The hatchery generated a significant amount of income. He also commented on the issue of mitigation which could have an impact on the hatcheries operations. They have seen sizeable declines. He emphasized their need for water and added that they would like to be part of the solution.

Lynn Tominaga, Idaho Ground Water Users Association, was the next to address the group. He updated the group with information relating to the CREP efforts. Initially the groups thought that the state's portion of funding could be provided "in kind." However, now it appears that the federal agency probably will expect to see some cash.

Senator Noh then commented on the issue of domestic use. He noted that the co-chairs, as well as Director Dreher and Clive Strong, attended the Association of Idaho Cities Conference that was held in September. The Association is giving serious consideration to a resolution endorsing the draft settlement framework. The group also intends to review planning and zoning laws. The co-chairs also attended and addressed the Idaho Association of Counties meeting. The issues of zoning and concerns relating to domestic wells were discussed.

A member of the audience addressed the group next and began by stating that his comments were made in his individual capacity and not as a representative of any particular group. He commented on several topics that were discussed at the meeting including concern relating to proposed DEQ guidelines. In response to this concern, Representative Raybould indicated that Toni Hardesty, Director of the Department of Environmental Quality, would be on the agenda for the full committee meeting on October 14.

Dick Rush, Idaho Association of Commerce and Industry, also noted that DEQ has requested public comments regarding guidelines relating to recharge. He added that comments were to be submitted by October 15. They have requested that DEQ extend the deadline for public comment.

Senator Noh stated that the working group and committee now have to shift into high gear. A number of the parties have expressed desire to get together on their own. They believe that would be beneficial to move forward. He noted that the group urges the parties to get into a mode of communicating with each other.

The discussion then moved to the topic of enforcement. The co-chairs commented that the group has to take a serious look at how to achieve enforcement and how to manage organizations to see that recharge is done.

The next topic addressed by the group involved that of funding. Senator Burtenshaw noted that he believes that the CREP program has real promise. He went on to say that although we know what the federal contribution range would probably be, at some point the state has to step up and say where the remainder will come from. He believes that it would probably be the most cost effective expenditure for water that the state can get.

Director Dreher told the group that they have received written comments from only one entity but they look forward to receiving additional comments by early next week. He indicated that people do want to know where the water is and how it will be paid for. Answering the question “where is the water” can only be partially answered. The model is the best tool but we don’t know whether the drought will continue. On the funding side, it appears that there is a need to develop a separate strawman proposal for funding. They are working on developing that now. It will provide a starting point.

There was additional discussion relating to the possibility of sending out requests for proposals. Director Dreher noted that some holders may be developing unrealistic expectations. Director Dreher explained the format of the draft RFP. The Idaho Water Resource Board would be the entity to purchase and acquire the water rights. A determination will have to be made as to where the revenue will come from to repay the bonds. In response to a question from the audience as to whether the rights could later be purchased back, Director Dreher responded that such terms remain to be determined but the advantage of having a state entity acquire the rights would be the potential for selling the rights back to the original owner or having later acquisitions.

Following concluding remarks by the co-chairs and a brief discussion regarding the upcoming meeting of the Expanded Natural Resources Interim Committee, the meeting was adjourned by Senator Noh at approximately 3:00 p.m.